

two or more inventions can be made without "serious burden," examiner must examine them on the merits even if the claims are directed distinct or independent inventions.

In the present case, Groups I and II, although not obvious in view of each other, are very similar in subject matter. More specifically, each generally pertains to evaluation of a cross-section/profile of an object. The claims of group II are directed to an embodiment in which the invention evaluates a cross-section/profile of an object and determines a diameter of the object. This does not constitute a separate invention, but merely an alternate embodiment of the invention specified by the claims of Group I.

Further, it appears that a search for the apparatuses and methods of Group I and Group II would be conducted within the same class. In such a situation, it clearly would not be overly burdensome on the examiner to check for both these (supposedly) "separate" inventions at the same time.

For at least the foregoing reasons, applicant respectfully traverses the restriction requirement and respectfully requests the examiner to examine the claims of both Groups I and II together.

Applicant expressly reserves the right to present the non-elected claims, or variants thereof, and continuing applications to be filed subsequent to the present application. Should the examiner have any questions regarding this response, the examiner is invited to telephone the undersigned attorney.

Respectfully Submitted,  
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## **CERTIFICATE OF MAILING**

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on July 25, 2007

  
Robert P. Biddle

In Re Application Of: Harris, et al.

Examiner: n/a

Serial No.: 10/699,522

Group No. 2877

Filed: 10/31/2003

Docket No.: 88030078

For: **NON-CONTACT PROFILE MEASUREMENT SYSTEM**

The following is a list of documents enclosed:

- Return Postcard
- Response to Office Action/Restriction Requirement